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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,464	12/07/2000	Ulf Sawert	DP-303327	1232

7590 05/29/2003
DELPHI TECHNOLOGIES, INC.
Legal Staff
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Troy, MI 48007-5052

EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 05/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,464

Applicant(s)

SAWERT ET AL.

Examiner

Robin A. Hylton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fuel permeation barrier layer attached to the cover to cover a surface area solely inside of said skirt must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 1 and 4-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the disclosure as originally filed for the fuel permeation barrier layer being attached to the cover "to cover a surface area solely inside of said skirt".

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 4-11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloess et al. (US 6,357,618) in view of Reamy (US 1,979,706) and Abu-Isa (US 6,395,357).

Kloess teaches a cover having a base wall, a skirt **24**, and a fuel tube **22**. Although the cover is not explicitly stated to have a blade terminal, since it is a fuel module cover and

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applicant has stated blade terminals are part of a fuel module cover, the cover of Kloess is considered to have a blade terminal. Kloess does not teach a raised portion extending axially from the base wall and opposite the skirt fuel barrier layer nor a fuel permeation barrier layer.

Reamy teaches a cover having a base wall **7**, a raised portion **6** extending axially from the base wall, and a skirt **5** extending axially from the base wall opposite the raised portion.

Abu-Isa teaches it is known to provide a fuel permeation barrier layer of EVOH to a fuel tank and an associated cover assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a raised portion extending axially from the base wall and fuel permeation barrier layer to cover any desired area of the cover to the tank cover assembly of Kloess. Doing so would provide a fuel spill prevention barrier and ensure no vapors or fuel escape the closed tank, respectively.

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barrier layer of a thickness of approximately 0.2 mm to 2.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

5. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloess in view of Abu-Isa.

Kloess teaches a cover having a base wall, a skirt **24**, and a fuel tube **22**. Although the cover is not explicitly stated to have a blade terminal, since it is a fuel module cover and applicant has stated blade terminals are part of a fuel module cover, the cover of Kloess is considered to have a blade terminal. Kloess does not teach a raised portion extending axially from the base wall and opposite the skirt fuel barrier layer nor a fuel permeation barrier layer.

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Aba-Isa teaches it is known to provide a fuel permeation barrier layer of EVOH to a fuel tank and an associated cover assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a fuel permeation barrier layer to the tank cover assembly of Kloess. Doing so would ensure no vapors or fuel escape the closed tank, respectively.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barrier layer of a thickness of approximately 0.2 mm to 2.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

6. Claims 1, 4-11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloess et al. (US 6,357,618) in view of Reamy (US 1,979,706) and Duhaime et al. (US 5,425,470).

Kloess teaches a cover having a base wall, a skirt **24**, and a fuel tube **22**. Although the cover is not explicitly stated to have a blade terminal, since it is a fuel module cover and applicant has stated blade terminals are part of a fuel module cover, the cover of Kloess is considered to have a blade terminal. Kloess does not teach a raised portion extending axially from the base wall and opposite the skirt fuel barrier layer nor a fuel permeation barrier layer.

Reamy teaches a cover having a base wall **7**, a raised portion **6** extending axially from the base wall, and a skirt **5** extending axially from the base wall opposite the raised portion.

Duhaime teaches it is known to provide a fuel permeation barrier layer of EVOH to a fuel tank and an associated cover assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a raised portion extending axially from the base wall and fuel permeation barrier layer to the tank cover any desired area of the cover assembly of Kloess.

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Doing so would provide a fuel spill prevention barrier and ensure no vapors or fuel escape the closed tank, respectively.

Regarding claim 9, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barrier layer of a thickness of approximately 0.2 mm to 2.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

7. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kloess in view of Duhaime.

Kloess teaches a cover having a base wall, a skirt **24**, and a fuel tube **22**. Although the cover is not explicitly stated to have a blade terminal, since it is a fuel module cover and applicant has stated blade terminals are part of a fuel module cover, the cover of Kloess is considered to have a blade terminal. Kloess does not teach a raised portion extending axially from the base wall and opposite the skirt fuel barrier layer nor a fuel permeation barrier layer.

Duhaime teaches it is known to provide a fuel permeation barrier layer of EVOH to a fuel tank and an associated cover assembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a fuel permeation barrier layer to the tank cover assembly of Kloess. Doing so would ensure no vapors or fuel escape the closed tank, respectively.

Regarding claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the barrier layer of a thickness of approximately 0.2 mm to 2.0 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

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R sponse to Arguments

8. Applicant's arguments filed April 9, 2003 have been fully considered but they are not persuasive.

Applicant's arguments are not persuasive since the teaching references do not have to teach every element of the claim (i.e., a permeation barrier furl module cover), only the feature for which the teaching is relied upon.

Additionally, the limitation of the permeation barrier layer being attached to the cover "to cover a surface area solely inside of said skirt" is new matter, and the unsupported limitation will need to be deleted from the claims. Further, one of ordinary skill in the art could place the barrier layer on any surface and in any manner or pattern as desired.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9302 or (703) 872-9303 for after final amendments. This practice may be used for filing papers not requiring a fee.

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It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet.

Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

11. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 305-3579 on the date shown below:

Typed or printed name of person signing this certificate

Signature _____

Date _____


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a flexible schedule, but can normally be reached on Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bembry at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH
May 27, 2003


Robin A. Hylton
Primary Examiner
GAU 3727